

LEGAL ANALYSIS, WRITING & RESEARCH I
Maurice A. Deane Law School
Hofstra University
Fall 2014

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COURSE OUTLINE AND GUIDELINES

RELAX

What This Course Is All About. Hofstra requires each student to take two first year courses in legal analysis, writing. In the fall semester Legal Analysis, Writing & Research I course, you will learn the basics of legal analysis, research and predictive writing, focusing on the writing process through the writing of office memoranda. You will receive substantial individualized feedback, including one-on-one conferences with me to discuss your written work. Legal Analysis, Writing & Research II primarily teaches persuasive writing through the drafting of trial and appellate briefs. At the end of the spring semester, students participate in an oral argument.

Course Objectives. This is a two-semester course designed to assist you in learning:

- various methods of legal reasoning;
- how to analyze statutes, cases and other sources of law;
- how to discern relevant facts and apply a legal principle to those facts;
- how to write more clearly and succinctly;
- how to prepare a variety of legal documents and to cite legal authorities correctly in those documents;
- how to tailor your writing to a variety of audiences and for specific purposes;
- how to improve your oral communications with clients, judges, and opposing counsel; and
- the process of legal research, including the various types of legal research materials and how to access them.

Assignments. During the fall semester, you will be given five writing assignments. Four of those assignments will be graded and will count for ninety percent (90%) of your final grade. There is no examination in this course. Writing Assignment 1 will be ungraded. I will review Writing Assignment 1 and we will discuss it in individual conferences. After we have met on Writing Assignment 1, you will rewrite it and turn in the rewritten version as Writing Assignment 2. Writing Assignment 3 will be an open research office

memorandum in which you will first research and then analyze another set of factual and legal issues.

As part of Writing Assignment 3 you will also hand in a research report that explains not only your research results, but also the process you used to achieve those results. We will have individual conferences on Writing Assignment 3 after which you will re-write it and submit the new version as Writing Assignment 4. There will also be an email memo which you will have 48 hours to prepare and submit. We will discuss all of these assignments, their formats, content, etc. in detail in class.

Classes This course is scheduled to meet for four hours a week. Some weeks we will meet as a group for four hours (especially at the beginning of the semester), and other weeks we will meet for only two hours or possibly not at all. **Below I have set forth a schedule of classes and assignments. It is subject to change and I will give you notice as early as possible of any changes.** Please be aware that you must be available for all four of the scheduled hours each week and the schedule may change, so if you make any plans for a day where no class is currently scheduled, make those plans on a tentative basis. It is your responsibility to be aware of the dates of class and the due dates for the assignments, just as lawyers have to know when their papers are due to be served or filed.

The total number of hours that we meet will not exceed those required for the course. As the class hours in this course are “front-loaded”, we will finish prior to the end of the semester so that you may devote your energies to your other classes and your examinations.

Texts The primary text for the course is Neumann, Legal Reasoning and Legal Writing (7th ed.). Also required are The Bluebook, A Uniform System of Citation (19th ed.) and Wydick, Plain English for Lawyers. I may also provide you with materials from other sources. Please bring your Neumann text and your Bluebook with you each time we meet.

Independent Work. One of your goals for this course should be the development of your own creativity and analytical skills. Your work should therefore represent your own individual effort unless I specifically tell you otherwise. You may not:

1. show anything you have written -- even fragments of a "rough draft" -- to anyone else for any purpose before you turn your work in; this prohibition includes any help in editing or proofreading from anyone at anytime; or
2. discuss your research or assignments with anyone else, including another student or any lawyer or judge -- even one to whom you are related.

Academic Honesty. The Law School's Code of Academic Conduct provides:

I(B). Plagiarism.

1. Definition. A student plagiarizes when the student represents the work of any other person as the student's own work. Plagiarism includes but is not limited to:

- a. copying or substantially copying someone else's words without both citing the author of the quotation and using either quotation marks or an indented block quotation;
- b. paraphrasing someone else's words or work without citing the source.

2. The violation. A student violates the Code of Academic Conduct when the student:

- a. purposely plagiarizes or aides another student to plagiarize; or
- b. plagiarizes with knowledge of circumstances which should alert a reasonable student that there is a substantial risk that the student would be plagiarizing.

Read this very carefully. You are on notice of the rules and must comply with them. Among other things, be sure to put quotes around all words not of your own composition, and attribute each quote properly to its source. Attribute each thought not originally yours to the source from which you got it. This is not only a required and ethical practice but it will actually strengthen your writing as you will learn soon enough that a judge is much more impressed with the and persuaded by the reasoning of another court or known authority than that of a young attorney.

The Code of Academic Conduct also contains other prohibitions that are particularly relevant to this course. E.g., Section 1(A)(3)(prohibiting a “material misrepresentation for the purpose of obtaining a benefit in connection with any matter for which academic credit is given”); Section I(A)(2)(prohibiting damage to and hiding or unauthorized removal of library material). If you violate any part of the Code of Academic Conduct, you will be reported to the Vice Dean for disciplinary action. As you know, violations of the Code may result in expulsion from the Law School. In addition, violation of any of the course rules set out herein will result in a penalty to be deducted from your final grade.

(For the sake of full disclosure, portions of this document were adapted with permission from the works of Professor Stein.)

My general philosophy. You are adults. How you choose to handle your education is your business. It is your time, your money, your career, your opportunity. If you choose to hand in assignments late or not do them at all, I will not yell nor will I embarrass you nor will I attempt to make you feel guilty (my mother is in charge of that), but there are consequences and it will affect your grade. What I will not allow is for you to interfere with other students' efforts to handle their education as they wish. To paraphrase, your right to throw a punch ends where some else's nose begins. I am also obligated to enforce the school's rules and policies and I will do so. I am many things, but unapproachable is not one of them. If you believe you are falling behind or having any sort of difficulty in the class, talk to me. I am happy to help.

Turning in Assignments. Assignments are to be submitted via e-mail to me by the date and time indicated. You are then to submit a hard copy to me at our next class or by leaving it in my mailbox in room 216 or with Marcela Fernandez who is in that same room. The purpose of using e-mails is that the time and date of submission are set forth in the e-mail and you do not have to come to school simply to submit your work.

Every written assignment must be typed using 12 point font on 8 x 11 inch paper. You must use Times New Roman, 1-inch margins all around and number each page. If there is any discrepancy between the e-mailed version and the hard copy you subsequently submit, I will consider only the e-mailed version.

Senior partners, court clerks and clients can be unsympathetic to requests for extensions of time from lawyers. Computer or printer problems or other reasons that demonstrate poor planning or organizational skills are not acceptable reasons. You need to prepare yourself for this demanding and unforgiving environment. Accordingly, requests for extensions will be considered only if made prior to the time the work is due and for good reasons such as illness, family emergency, or other causes beyond your control. In the absence of an extension, lateness will result in substantial penalties resulting in a lower grade on the assignment involved which may increase with each subsequent day.

Conferences and Preparation for Conferences. After I have reviewed Writing Assignments 1 and 3, I will meet with you individually to go over your papers in detail. I will try to make your paper with my comments available to you as far in advance of your conference as possible. You may pick up your paper from Ms. Fernandez in Room 216 after I inform you that it is ready for you. Your rewrite (Writing Assignments 2 and 4) will be due after our conference on the date that is indicated. When you hand in Writing Assignments 2 and 4, you must also return to me the earlier draft of that assignment with my comments.

To get the most out of the critique, you should study my comments carefully before the conference begins. You should also review any portions of the Neumann text or the Bluebook to which my comments might refer you, and bring with you any other material you think might be helpful in our discussion of your work. You are strongly encouraged

to come to your conference armed with a specific list of questions that you would like to discuss.

Prior to the commencement of each series of conferences, I will post a sign-up sheet. Be certain to select a time that is convenient for you, and show up for your conference on time. If you miss your conference, I will have to reschedule it, and that will work to your disadvantage in two ways. First, the time that you have to rewrite begins on the day of the originally scheduled conference -- and not any date to which it might be rescheduled if the rescheduling occurred because of your lack of attendance. Second, the rescheduled conference might not be a time that is particularly convenient for you since you have to be squeezed into an already existing schedule.

How Your Work Is Weighted For The Final Grade. Writing Assignment 1 will be ungraded. Writing Assignment 2 is worth 25% of your final grade. Writing Assignment 3 is also worth 35% of your final grade. This includes the Research Journal you will submit prior to turning in Assignment 3. Writing Assignment 4 is worth 25% of your final grade and the email memo is worth 5%.

Some of the things that I look for in determining your grade on the main writing assignments are as follows:

Legal Writing: Organization, clarity, precision, conciseness, forcefulness, proper presentation of authority and rules, correct citation form and adherence to other Bluebook rules, use of quotations, paragraph structure, appropriate format, etc.

Analysis and Research: Formulation of issues; finding, interpreting and selecting authority most appropriate to support specific points; legal reasoning; emphasis and de-emphasis of facts; development of policy arguments; and persuasive strategies.

General Writing: Grammar, punctuation, spelling, diction, style and other characteristics of good writing. I will expect you to proofread your briefs thoroughly to find errors.

The remaining 10% of your grade will reflect the following:

- any other assignments;
- attending all classes and arriving on time;
- preparing for and participating in class, including professional and appropriate demeanor with your classmates and me;
- preparing for and participating in your individual conferences;
- timely and diligent preparation of all assignments, including any homework assignments I assign throughout the semester; and
- attending Westlaw and Lexis training classes.
- Completing the Core grammar for Lawyers program.

Final Grade for the Course. At the end of the semester, your grade on each assignment will be tabulated through a formula based on the weight of each assignment (see above). The resulting figures will be curved to produce one letter grade for every student, representing the work of the entire semester.

Communications. My office is Room 031 in the basement. My office telephone is 463-4761. My assistant, Marcela Fernandez, is located in Room 216; her telephone number is 463-4797. Feel free to drop in and visit me any time I am in to talk about the class, assignments, law school, being a lawyer or something interesting like the Yankees.

If I am not in my office, the best way to communicate with me is by e-mail. I check my messages frequently, and you will receive a much quicker response than if you leave me a voice mail message. I will communicate with you by your Hofstra e-mail account, so even if you do not plan to use that account you are responsible for any messages I send to the entire class or to you individually on your Hofstra account. You should check your e-mail regularly for messages from me. If you are writing to me with a question or because you have a problem, please leave me a telephone number at which I can reach you in case it cannot be adequately handled by e-mail. If you believe you need to reach me on an emergency basis, send me an e-mail AND during business hours contact Ms. Gioia, give her your name and telephone number and she will call me and I will call you at my first opportunity.

There is also a TWEN page for this course. Sign up for it as soon as possible. Assignments and materials may be posted on that page and we may use it for submission of assignments.

Laptops. As I said before, I intend to treat you like adults, because you are. You should use a laptop in class if it is the best tool to help you learn. You should not use it in a manner which will prove distracting to others. As I do not assign seats, if someone is not complying with this rule and is distracting you with their computer or otherwise, change seats.

CLASS & ASSIGNMENT SCHEDULE

Class No.	Date	READING ASSIGNMENT	ASSIGNMENTS/HANDOUTS
1	Wed. 8/20	Read Chapters 1 through 4. As you read the Roberson case beginning on page 25, ask yourself which part(s) of a decision each sentence of the opinion is conveying. Prepare Exercise II, on page 33	Be prepared to discuss Exercise II in Chapter 3 (page 33); Be prepared to create class wide written brief of the <u>Costanza</u> case (pages 35-37)
2	Thur. 8/21	Case briefing; Read chapters 5 and 12-15; scan pages 1 – 24 in the Bluebook and Tables BT 1 and 2.	<i>Handout of series of cases</i>

3	Tue. 8/26	Discussion of analysis of case series; Previous assignment continued if necessary	Brief case assigned in last class and status of law after each case; Assignment 1 materials to be distributed; Writing Assignment 1 is due by e-mail by 11:59 pm on 9/7
4	Thur. 8/28	Read Chapters 6 – 8 and 10 and 21	Be prepared to discuss Exercises A-C in Chapter 7 (pages 74-76) and Exercise II A & B in Chapter 15 (pages 178-181)
5	Tue. 9/2	Last class continued; Citing authorities under Bluebook rules	
6	Thur. 9/4	Citing authorities under Bluebook rules; Questions on Assignment 1	
7	Tue. 9/9	Chapter 9 Review Chapter 7. Review of common issues and problems from Writing Assignment 1.	
8	Thur. 9/11	Research Presentation; Electronic research	Bring laptop and Lexis password Writing Assignment 3 materials distributed
9	Tue. 9/16	Electronic research continued	Your re-write is due by e-mail at 6 pm – 2 weeks after your conference
	Thur. 9/18	NO CLASS – Individual Conferences	
10	Tue. 9/23	Chapter 11	
	Thur. 9/25	SCHOOL CLOSED – NO CLASS Chapter 9	Research Journal for Writing Assignment #3 to be submitted by e-mail by 5 pm on 10/7
11	Tue. 9/30	Essay exam writing	
	Thur. 10/2	NO CLASS – STUDY FOR MIDTERM	Bring with you the research that you have done to date, a copy of your Research Journal, your Neumann book, and your Bluebook.
12	Tue. 10/7	Chapter 19 Email memos	Research Journal for Writing Assignment #3 to be submitted by e-mail by 5 pm on tonight
13	Thur. 10/9	Strategy Session & Chapter 18. . If you have not submitted a research journal you will not be permitted to attend strategy session	Email memo assignment to be sent to you at today, memo must be emailed to me within 48hrs.

14	Tue. 10/14	Questions on Assignment 3 and review	Writing Assignment 3 is due by email at midnight on 10/23
		Week of Oct. 31 – Individual Conferences	Your re-write is due by e-mail at 6 pm - 1 week after your conference